



Hugh McDonald  
SECRETARY OF COMMERCE

Alan McClain  
COMMISSIONER,  
ARKANSAS INSURANCE  
DEPARTMENT

**BEFORE THE STATE BOARD OF EMBALMERS, FUNERAL DIRECTORS, CEMETERIES, AND  
BURIAL SERVICES**

**IN THE MATTER OF  
Gracelawn Cemetery of Gracelawn Memorial Park, Inc.  
Permit Number 11782; R.W. Ocker; Janet Hankins;  
Evan Ocker; Debbie McMullen; Respondents**

**Case No. PCC23-010**

March 21, 2023

*Via Certified Mail, Return Receipt No. 7022 2410 0001 1012 0207 and Regular Mail*

Ms. Janet Hankins  
P.O. Box 5620  
Van Buren, AR 72957

*Via Certified Mail, Return Receipt No. 7022 2410 0001 1012 0276 and Regular Mail*

Ronny W. Ocker  
P.O. Box 5620  
Van Buren, AR 72957

*Via Certified Mail, Return Receipt No. 7022 2410 0001 1012 0184 and Regular Mail*

Evan Ocker  
P.O. Box 5620  
Van Buren, AR 72957

*Via Certified Mail, Return Receipt No. 7022 2410 0001 1012 0283 and Regular Mail*

Debbie McMullen  
P.O. Box 5620  
Van Buren, AR 72957

Dear Ms. Hankins, Mr. R.W. Ocker, Mr. E. Ocker, and Ms. McMullen:

Please find the following Notice of Public Hearing on the above referenced matter.

Arkansas Department of Commerce  
Arkansas Insurance Department  
1 Commerce Way, Suite 102 • Little Rock, AR 72202  
INSURANCE.ARKANSAS.GOV

## **NOTICE OF PUBLIC HEARING**

Please be advised that an administrative hearing will take place on April 18, 2023, at 9:00 a.m. at an official meeting of the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services, in the Diamond Mine Room, 2<sup>nd</sup> Floor, located in the Department of Commerce building at 1 Commerce Way, Little Rock, AR 72202. The hearing will be held before the Board concerning the following matters. The hearing is your opportunity to defend yourself against the following allegations and for a determination regarding the permit of Gracelawn Cemetery.

### **ALLEGATIONS**

1. Respondent Gracelawn Cemetery of Gracelawn Memorial Park, Inc. ("Gracelawn") is licensed as a perpetual care cemetery.
2. The cemetery is owned and operated by Gracelawn Memorial Park, Inc.
3. Respondent Janet Hankins is responsible for maintaining the books and records of Gracelawn. R.W. Ocker, Evan Ocker, and Debbie McMullen serve as the trustees for the permanent maintenance fund for Gracelawn.
4. The Respondents have failed to make deposits of 20% of gross sales of cemetery plots to the permanent maintenance trust fund within forty-five (45) days of receiving final payments of the sales.
5. The Department received letters signed by Respondent R.W. Ocker with explanations for the Respondents' failure to make the required deposits to the permanent maintenance trust fund for reporting periods of 2019, 2020, and 2021. In said letters there were no assurances that the required deposits would ever be made to Gracelawn's permanent maintenance trust fund.

### **APPLICABLE LAW**

1. Ark. Code Ann. § 20-17-1016(a)(1),(b)(1) requires the cemetery company to deposit at least 20% of gross proceeds from the sale of a lot or grave space in its cemetery to the permanent maintenance fund not later than forty-five (45) days after the final payment of the sale has been made.

## CHARGE

1. Respondents' actions as set forth in Allegation 4 constitute a violation of Ark. Code Ann. §20-17-1016(a)(1), (b)(1) in that they failed to make the minimum deposits of 20% of the sales of grave spaces to the permanent maintenance trust fund.

## TIME AND PLACE OF HEARING

Respondents are hereby notified that the Board will hold a hearing on the allegations set out above on April 18, 2023, at 9:00 a.m. in the Diamond Mine Room, 2<sup>nd</sup> Floor, located in the Department of Commerce building at 1 Commerce Way, Little Rock, AR 72202.

The hearing will be conducted pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 *et seq.* You may appear in person, be represented by counsel, and offer witnesses, affidavits, or documentary evidence in response to the allegations contained herein.

You are hereby notified that a continuance will be granted only for good cause and must be requested at least seven (7) days in advance. If you fail to appear at the hearing without first obtaining a continuance, the Board will conduct a hearing in your absence.

You are notified that all evidence, including any documents, and any oral testimony which the Board determines to be relevant, shall be introduced on the day of the hearing. No additions will be permitted, nor will the record be allowed to be supplemented after the hearing is concluded. Therefore, if you have any documentary evidence you wish to submit to the Board, you must bring it to the hearing. Likewise, any oral testimony must be presented at the hearing by way of any witnesses you wish to testify on your behalf.

Sincerely,



Amelia Vestal, Senior Securities Examiner  
State Board of Embalmers, Funeral Directors,  
Cemeteries, and Burial Services